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Honorable Adrienne Nelson

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

WILLIAM S. BOYD

Case No. 2:23-cv-01284-AN

Plaintiff,

PLAINTIFF'S MOTION FOR SANCTIONS

AGAINST DEFENDANT CHARLES COX

v.

REYES, et al,

Defendants.

INTRODUCTION

Plaintiff, William S. Boyd, pro se, respectfully moves this Court for sanctions against Defendant Charles Cox for engaging in **witness intimidation and improper interference** with potential witness, in violation of the **Federal Rules of Civil Procedure (FRCP) 26, 37, 45, 11, and 16.**

Cox improperly approached **Nurse Theresa Diaz**, informing her that Plaintiff intended to call her as a witness. As a **superior to Diaz** and an employee of **Naphcare**, which is also a defendant in this case, Cox's actions were coercive and **compromised the integrity of the judicial process**. This conduct is further exacerbated by the fact that Cox learned of Plaintiff's legal strategy from **defense counsel**, raising serious ethical concerns regarding **improper disclosure of privileged litigation information**.

Given the seriousness of these violations, Plaintiff requests that this Court impose appropriate SANCTIONS, including, but not limited to:

1. **Monetary sanctions against Cox for interfering with a witness.**
2. **An order prohibiting Cox from further contact with Diaz regarding this litigation.**
3. **Potential disciplinary referral to the Oregon State Bar for ethical violations by defense counsel.**

While no subpoena has yet been issued, Cox's intimidation of Diaz constitutes a clear attempt to prevent her from testifying freely, violating the principles of witness protection under rule 45.

I. **LEGAL STANDARD FOR SANCTIONS**

Federal courts have authority to sanction litigants and attorneys for conduct that undermines the judicial process. The following FRCP provisions apply to Cox's misconduct:

1. FRCP 26(b)(3)—Improper Disclosure of Work Product

- This rule protects attorney work product, including **litigation strategy** and the identity of **witnesses Plaintiff intends to call**.
- **Defense counsel improperly disclosed** to Cox that Nurse Diaz would be a witness, violating this protection.

2. FRCP 37(b)—Sanctions for Discovery Misconduct

- Cox's intimidation of Diaz obstructs the discovery process, justifying sanctions under Rule 37.
- 3. **FRCP 45(d)(3) – Witness Protection from Undue Burden or Harassment**
 - This rule allows courts to quash or modify a subpoena if a witness is being intimidated.
 - Cox's intimidation of Diaz discourages her from testifying truthfully, violating the spirit of Rule 45.
- 4. **FRCP 11(b) & (c) – Sanctions for Improper Conduct**
 - Cox's actions constitute harassment and an attempt to interfere with fair proceedings, warranting sanctions.
- 5. **FRCP 16(f) – Sanctions for Pretrial Misconduct**
 - Cox's interference has disrupted the litigation process, justifying court intervention.

II. FACTUAL BACKGROUND

1. **Defense Counsel Disclosed Plaintiff's Legal Strategy to Cox**
 - Cox was informed by defense attorneys that Plaintiff intended to call Nurse Thera Diaz as a witness.
 - This constitutes improper disclosure of litigation strategy and violates Plaintiff's work-product protection under Rule 26(b)(3).
2. **Cox Approached Nurse Diaz, Attempting to Influence Her Testimony**
 - Without Plaintiff ever speaking to Diaz about the lawsuit, Cox confronted her about Plaintiff's intention to call her as a witness.
 - Nurse Diaz expressed fear and concern, citing Cox's authority over her as her immediate supervisor and her employment with NaphCare, which Plaintiff is also suing.
 - This constitutes coercion and undue influence over a material witness.
3. **Cox's Conduct Compromises the Integrity of the Judicial Process**
 - Cox's intentional efforts to dissuade Diaz from testifying interfere with Plaintiff's ability to present evidence.
 - This is textbook witness tampering and violates both ethical standards and the Federal Rules of Civil Procedure.

III. ARGUMENT: SANCTIONS ARE WARRANTED AGAINST COX

A. Cox's Conduct Violates FRCP 26(b)(3) by Exploiting Privileged Litigation Information

- Plaintiff never informed Nurse Diaz that she would be called as a witness—all information came from Cox.
- Defense counsel improperly disclosed Plaintiff's legal strategy to Cox, violating Rule 26(b)(3)'s work-product protection.

B. Cox's Actions Constitute Witness Intimidation Under FRCP 45(d)(3)

- Cox's position of authority over Diaz makes his interaction inherently coercive.
- Witness intimidation has been found to justify sanctions in similar cases (*Gomez v. Vernon*, 255 F.3d 1118, 1134 (9th Cir. 2001)).

C. Cox's Conduct Warrants Sanctions Under FRCP 37(b) for Interference with Discovery

- Rule 37 allows sanctions for obstructing discovery or interfering with court processes.
- By deterring a witness from testifying truthfully, Cox has directly interfered with the discovery process, warranting strong sanctions.

D. Cox's Conduct Violates FRCP 11(b) and (c), Warranting Monetary and Corrective Sanctions

- Cox's actions were taken in bad faith and for the improper purpose of influencing witness testimony.
- Courts have imposed monetary sanctions and disqualification orders for similar misconduct (*Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991)).

E. FRCP 16(f) Justifies Sanctions for Pretrial Misconduct That Disrupts the Case

- Cox's conduct disrupts the discovery and trial process, meeting the standard for Rule 16(f) sanctions.

IV. REQUESTED SANCTIONS

Based on the foregoing, Plaintiff respectfully requests that the Court:

1. Issue monetary sanctions against Cox for improperly interfering with a witness.
2. Order Cox to refrain from any further communication with Nurse Diaz regarding this case.
3. Order defense counsel to disclose the extent of their communication with Cox regarding Plaintiff's litigation strategy.
4. Refer the matter for possible disciplinary review regarding the ethical breach in disclosing Plaintiff's witness list to Cox.
5. Grant any other relief the Court deems appropriate to preserve the integrity of this litigation.

V. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court impose sanctions against Defendant Charles Cox for engaging in improper witness intimidation and interfering with the judicial process.

Respectfully submitted,

William S. Boyd, Pro Se

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Dated: [REDACTED]

2-28-25



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